

Advisory Opinion

IECDB AO 2005-19

- *rescinded by 2016-03

December 1, 2005

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(11) and rule

351—1.2, the Iowa Ethics and Campaign Disclosure Board issues this opinion on the placement of campaign signs on insurance company property that is owned as a franchise. The Board's jurisdiction is limited to the application of Iowa Code chapters 68A and 68B, Iowa Code section 8.7, and rules in Iowa Administrative Code chapter 351. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

OPINION:

The issue has been raised concerning whether or not the prohibition on the placement of campaign signs on property owned by an insurance company applies when an individual owns the insurance company as a franchise.¹

Iowa Code section 68A.406 sets out the permitted and prohibited placement of campaign signs. The statute includes the placement of signs on property "owned by an organization that is not a prohibited contributor under section 68A.503."²

Iowa Code section 68A.503(1), in pertinent part, states the following:

"...it is unlawful for an insurance company...or an officer, agent, or representative acting for such insurance company...to contribute any money, property, labor, or thing of value, directly or indirectly, to a committee, or to expressly advocate that the vote of an elector be used to nominate, elect, or defeat a candidate for public office...."

Iowa Code section 68A.503(4)"c" includes an exception from this prohibition for the "placement of campaign signs under section 68A.406."

After reviewing these sections, it is clear that the General Assembly intended to prohibit, except in ballot issue elections, the use of insurance company property for the placement of campaign signs regardless of how the insurance company is owned or operated.

Therefore, unless one of the exceptions for the placement of a campaign sign on insurance company property applies, property of an insurance company may not be used to place a campaign sign.

In closing, the Board encourages everyone involved in campaigns to review the statutory provisions on the placement of campaign signs in Iowa Code sections 68A.406 and 68A.503. In addition, persons should review IECDB Advisory Opinions No. 2004-14 and 2005-17 for further guidance on the permitted and prohibited placement of campaign signs.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair
Janet Carl, Vice Chair
Gerald Sullivan
Betsy Roe
John Walsh
Patricia Harper

Submitted by: W. Charles Smithson, Board Legal Counsel

¹ The Board first notes that this opinion applies solely to the use of insurance company property for signs advocating the election or defeat of a candidate, a state PAC that is not involved in a constitutional amendment ballot issue, or any political party committee. In general, the state campaign laws permit the use of insurance company property in ballot issue elections.

²See Iowa Code section 68A.406(1)“e.”